

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA**

Maurice Grant,

Plaintiff,

v.

Berkeley County Sheriff's Office and
Deputy Austin Longieliere,

Defendants.

C/A: 2:24-cv-4262-RMG

ORDER

Before the Court is the Report and Recommendation (“R&R”) of the Magistrate Judge recommending that the Court grant in part and deny in part Defendants’ motion to dismiss. (Dkt. No. 9). The Magistrate Judge recommended that Defendants’ motion to dismiss Plaintiff’s malicious prosecution claim under 42 U.S.C. § 1983 against Defendant Longieliere be denied and Defendants’ motion to dismiss state law claims against Defendant Berkeley County Sheriff’s Office for gross negligence and malicious prosecution be granted. The parties were given notice of right to the file written objections to the R & R within fourteen days of service of the R & R and a failure to file objections would limit review by the District Court to clear error review and waiver of the right to appeal. (*Id.* at 18). No objections to the R & R were filed by any party.

Legal Standards

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight, and the responsibility for making a final determination remains with this Court. *See Mathews v. Weber*, 423 U.S. 261, 270–71 (1976). This Court is charged with making a *de novo* determination of those portions of the Report and Recommendation to which specific objection is made. Additionally, the Court may “accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1).

Where the plaintiff fails to file any specific objections, “a district court need not conduct a *de novo* review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” *See Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (internal quotation omitted). Because the parties did not file objections to the R&R, the R&R is reviewed for clear error.

Discussion

After a review of the record and the R&R, the Court finds that the Magistrate Judge ably addressed the issues and correctly determined that all claims asserted against the Berkeley County Sheriff’s Office should be dismissed and Defendant’s motion to dismiss the malicious prosecution claim brought under § 1983 against Defendant Longieliere be denied.

Conclusion

For the forgoing reasons, the Court **ADOPTS** the R&R (Dkt. No. 9) as the Order of the Court and **DISMISSES** Defendant County Sheriff’s Office as a party to this action. The § 1983 claim against Defendant Longieliere for malicious prosecution remains.

AND IT IS SO ORDERED.

s/ Richard Mark Gergel
United States District Judge

September 25, 2024
Charleston, South Carolina